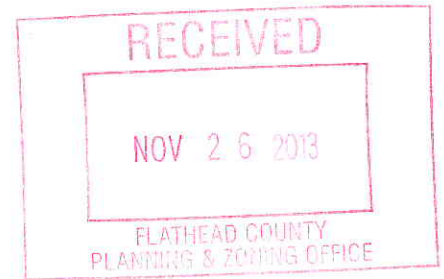




Flathead County

Planning & Zoning

1035 1st Ave W, Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210



APPLICATION FOR A VARIANCE

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ _____

Before completing this application please read instructions on page 4.

1. **OWNER:**

Name: Lauretta Olsen
Address: 2820 Helena Flats Phone: _____
City/State/Zip: Kalispell MT 59901
Email: _____

INTEREST IN PROPERTY: _____

2. **APPLICANT:** (If different from above)

Name: John Cavender
Address: 2227 Hwy 2 E. Phone: _____
City/State/Zip: Kalispell MT 59901

3. **TECHNICAL/PROFESSIONAL ASSISTANCE:** (If applicable)

Name: _____
Address: _____ Phone: _____
City/State/Zip: _____
Email: _____

4. **LOCATION OF PROPERTY FOR WHICH VARIANCE IS SOUGHT:**

Physical Address: 2227 Hwy 2 E.

5. **ZONING DISTRICT:** Evergreen **ZONING DESIGNATION:** B2

6. **DATE PROPERTY ACQUIRED:** 1980 & 1992

7. **LEGAL DESCRIPTION:**

Subdivision (if applicable) evergreen Lot/Tract(s) Westerly Portion of lot 7
Assessor # 0304050 Section 33 Township 29 Range 21

NOV 26 2013

8. **REQUEST FOR A VARIANCE FROM THE PROVISIONS OF** (State Section, Part, and Paragraph of the Zoning Regulations):

9. **THIS IS A REQUEST FOR A VARIANCE IN RELATION TO THE PROVISIONS OF THE REGULATIONS** (check one below):

Area _____ Yard _____ Height _____
Coverage _____ Parking _____ Other _____

10. **STATE SPECIFICALLY THE CHANGE(S) PROPOSED AND THE REASON(S) SUCH CHANGE(S) ARE NECESSARY** (use additional sheet if necessary):

See attachment

11. **EXPLAIN HOW YOUR CASE CONFORMS TO EACH OF THE FOLLOWING REQUIREMENTS** (be complete, use additional sheet if necessary):

- A. Strict compliance with the provisions of these regulations will limit the reasonable use of the property, and deprive the applicant of rights enjoyed by other properties similarly situated in the same district.

Requiring us to remove 2 ft off the back deck would destroy its usability

- B. The hardship is the result of lot size, shape, topography, or other circumstance over which the applicant has no control.

It is the direct result of the plat room not having complete information

- C. The hardship is peculiar to the property.

This is a very unique situation. Usually the plat rooms property descriptions are accurate and can be relied on. Also usually fences are put on or very near the property line.

NOV 26 2013

D. The hardship was not created by the applicant.

We made every reasonable attempt to distinguish the property line. Before, we built. We consulted with the plat room and a surveyor.

E. The hardship is not economic (where a reasonable or viable alternative exists).

The hardship is not economic. We have already spent \$2275 in order to be more in compliance, by adjoining the lots and applying for a variance.

F. Granting the variance will not adversely affect the neighboring properties or the public.

Removal of a portion of the porch would not enhance the neighboring property and

G. The variance requested is the minimum variance, which will alleviate the hardship.

As stated in Section E, we resurveyed the lots and combined them in order to apply for only the minimum variance.

H. Granting the variance will not confer a special privilege that is denied other similar properties in the same district.

Granting this variance is very unique, it would not confer a special privilege.

12. ATTACH A PLOT PLAN OR DRAWING.

NOV 26 2013

I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded or other appropriate action taken. The signing of this application signifies approval for FCPZ staff to be present on the property for routine monitoring and inspection during the approval and development process.

Owner/Applicant Signature

Date

INSTRUCTIONS FOR VARIANCE APPLICATION

1. ANSWER ALL QUESTIONS. Answers should be clear and contain all the necessary information.
2. In answering Question 7, refer to the classification system in the Zoning Regulations and explain in detail the specific standards from which the applicant is seeking relief.
3. In answering Question 9, be specific and complete. In this and all other questions, if additional space is needed you may use additional paper, and list which section number you are continuing.
4. Answer Question 10, A-H completely and fully.
5. A copy of the plot plan or site plan must be submitted with each application *(Please include 6 copies if you submit a size larger than 11x17).*
6. A **Certified** Adjoining Property Owners List must be submitted with the application *(see forms below)*. The list will be sent directly to the Planning & Zoning office, unless you request otherwise. This list is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.
7. A fee per the FCPZ schedule of fees for a variance application must be submitted with this application to cover the cost of necessary investigation, publication, mailing and processing procedures.

NOV 26 2018

I am requesting a variance on the setback on the east side of the lot. This would only include a portion of the porch which is an overhang. The violation was caused by the plat room having the wrong dimensions caused when Hwy 2 was widened. When we built the building in 2003 we got the property description from the plat room and then had Roy Etnire, a certified surveyor from Marquardt Surveying, show us the Boundary lines. As he was a friend of ours, he didn't charge nor have it documented. As you can see from the attached pictures the fence line, which has been there for over 20 years, is way back, and in fact, with the original plat room information the fence was on our side. If the fence had been on the true property line it would have raised a red flag but there was no cause to question the plat room's dimensions. The error is one that could be easily made and was completely accidental. Even the complaint letter from the planning and zoning dept. had the wrong dimensions. (see attachment a & b) Requiring us to remove the back porch is an unnecessary hardship. Removing 2 ft off the back porch would destroy its usability and character. And would in no way enhance the neighboring property. In our attempt to fix the violation we had the property resurveyed and adjoined the two lots. By doing this we changed the direction of the lot and the required 15 ft setback to a 5 ft setback. This has been a frustrating and costly mistake that was ultimately caused by the county not having an accurate property description.